

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARK A. BIZZELLE

*

Plaintiff

*

v.

*

CIVIL ACTION NO. PJM-07-1214

JOE,

*

Defendant.

*

MEMORANDUM OPINION

On May 8, 2007, Plaintiff, who resides in Silver Spring, Maryland, filed the instant Complaint seeking \$3,000,000.00 in damages. His allegations are nonsensical claiming that Gino Jennings, a party not named as a Defendant, "racketeer-using my two children." Paper No. 1. Because he appears indigent, Plaintiff's Motion for Leave to Proceed In Forma Pauperis shall be granted pursuant to 28 U.S.C. § 1915(a). His Complaint, however, shall be summarily dismissed.

This Court may preliminarily review the claims in Plaintiff's Complaint and dismiss the action prior to service if the court is satisfied that the Complaint has no factual or legal basis and it is frivolous on its face. *See* 28 U.S.C. § 1915(e), *Neitzke v. Williams*, 490 U.S. 319, 324 (1989); *see also Cochran v. Morris*, 73 F.3d 1310, 1314 (4th Cir. 1996). As explained by the Supreme Court in *Neitzke*: "Examples of [factually baseless lawsuits] are claims describing fantastic or delusional scenarios, with which federal district judges are all too familiar." *Neitzke v. Williams*, 490 U.S. at 328.

The Court simply cannot ascertain the meaning in Plaintiff's Complaint. The Complaint clearly has no basis in law and shall be dismissed as frivolous without requiring service of process

upon Defendant.

A separate Order follows.

Date: 5/21/07

_____/s/_____
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE